

Serial No.: 10/707,551
Confirmation No.: 1550
Applicants: GUDMUNDSSON, Stefan *et al.*
Atty. Ref.: 07589.0143.PCUS00

REMARKS:

REMARKS REGARDING CLAIM AMENDMENTS:

Claims 1, 7, and 10 have been amended to overcome rejection under 35 U.S.C. §103(a), entry of new claim 35 is requested and claim 13 has been amended to correct dependency and overcome objection to the claim.

Request is made for reconsideration and withdrawal of objection to claim 13.

Support for new claim 35 exists in the published application (US 2004/0192348 A1) in at least paragraph [0033].

All other claims in the present application depend either directly or indirectly from one of claims 1, 7 or 10 and are asserted as being allowable for the same reasons as these claims from which they depend.

Claims 1 – 34 are pending in the present application.

IN RESPONSE TO THE OFFICE ACTION:

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 - 18, 20 - 21 and 23 - 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Marlowe (WO.98/10602) in view of Antonucci et al. (US 6,819,929 B2) and further in view of Nojima (US 5,933,080).

Applicants submit that the statement of rejection in the current Office Action is identical to that of the previous Office Action (mailed 04/06/2006) except for Nojima (US 5,933,080) being added to the combination of references that failed previously to provide a *prima facie* case of obviousness. For this reason, applicants believe that evidence showing that Nojima fails to teach the previously-shown to be missing limitations of independent claims 1, 7 and 10 places these claims in condition for allowance. Claims 2 - 6, 8, 9, 11 - 18, 20 - 21 and 23 - 24 all have dependency from one of claims 1, or claim 7 or claim 10 and should be allowed upon allowance of claims 1, 7 and 10. Also, removal of Nojima as a reference relative to claims 1, 7 and 10 likewise places claims 19, 22, and 25 - 34 in condition for allowance.

The Office Action asserts that Nojima supports rejection of claims of the present invention by allegedly teaching limitations of previously amended claims 1, 7 and 10 with regard to the recitation, "wherein the information includes an emergency having a priority used to determine preferred handling thereof." ¹ A portion of Nojima, i.e. Column 7, lines 33 - 56, was cited as supporting this rejection. The cited portion is included below for convenient reference and to show that it contains no evidence of addressing an emergency having a priority.

If the vehicle 1 is normal, a reset call is sent to the Mayday center 24 to inform that the Mayday standby state may be canceled (S37). If it is not normal, an accident report is transmitted (S38). Subsequent to the accident report, various reports may be made on the telephone. The two-way communications device 22 may also be used to make voice communications.

A process for the Mayday center 24 will be described with reference to FIG. 6. Upon receiving the Mayday standby call in S34 from vehicle 1 (S41), the Mayday center 24 prepares to notify the contacts (S42). Specifically, the Mayday center 24 prepares to make an emergency call to the police station 30 and the like for first aid. It is also judged whether a reset call was made within 5T (S43, S44). If a reset call was made, the preparation for connection is reset (S45). On the other hand, if no reset call was received, it is judged that something has happened, and it is determined whether there was an accident report (S46). If there was an accident report, mobilization is requested to take necessary procedures according to the accident report (S47). However, if no accident report was received, it is still presumed that something has happened, even though details are unknown. Mobilization is then requested to confirm the situation (S48) (emphasis added).

In support of applicants' position that the above-excerpt from Nojima fails to suggest priority of emergency in that the underlined phrases suggest manual use of a telephone to notify contacts, using a police station as an example. There is nothing in this action to suggest prioritization and preferred handling of a given emergency relative to other current emergencies.

¹ According to MPEP §2143, "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

In consideration of the rejection under 35 U.S.C. §103(a), claims 1, 7 and 10 have been amended to clarify that, according to the present invention, prioritization deals with “priority of execution relative to a plurality of types of simultaneously required services.” In other words the system and methods for providing the communication link have the capability of preferred handling of an emergency based upon the seriousness of the emergency and the priority assigned to it. Support for the amendment exists in the published application (US 2004/0192348 A1) of the present invention in paragraph [0033].

Nojima, at Column 7, lines 33 - 56 does not address prioritization but simply provides an exemplary contact (Police) for rendering a particular service (first aid). One would not send a tire repair truck to service an injury emergency, but would respond logically depending on the emergency. Such response does not include prioritization.

Evidence of prioritization exists in the reference of Nojima in the Summary at Column 1, lines 61 - 65 as follows:

According to the invention, when it is necessary to make an emergency call about a vehicle station, a Mayday center performs an emergency call to a plurality of emergency contacts in an order of priority according to the vehicle station's present location.

Thus, the order of priority of the emergency contact addresses is determined according to vehicle station location

However, the prioritization is a proximity priority based on the distance of a contact (responder) address from the location of the emergency, i.e. at the vehicle station, regardless of the type of emergency. Also, Column 1, lines 57 - 60, suggests that the system of Nojima is, “an emergency calling” system that fails to suggest involvement of a “communication and database server.”

According to Paragraph [0033] of the published application (US 2004/0192348 A1) of the present invention, the server sets the priority of execution relative to a plurality of types of simultaneously required services. By way of example, according to the present application, “If for example a driver asks for roadside assistance, the roadside assistance service of the system is activated. If subsequently the driver or a sensor signals an emergency, the roadside assistance is

deactivated and the emergency assistance service is activated.” This means that the emergency assistance service overrides the roadside assistance service because it has a higher priority.

By failing to address prioritization of service type and preferred handling of emergencies, Nojima fails to teach or suggest all the limitations of the present invention. Thus, Nojima fails to support a *prima facie* case of obviousness (MPEP §2143) for rejection of claims 1, 7 and 10 of the present invention. Any combination of references relying on Nojima to support preferred handling of prioritized emergencies is considered ineffective as a basis for rejection of claims of the present invention for obviousness.

The references of Marlowe in view of Antonucci et al. and further in view of Nojima fail to teach priority handling according to amended claims 1, 7 and 10 of the present application. Lacking such teachings, the references do not provide basis for rejection of claims 1, 7 and 10, as amended and these claims should be allowed. Claims having dependency from claim 1, 7 and 10 should likewise be allowed. Of the dependent claims subject to rejection over the references of Marlowe in view of Antonucci et al. and further in view of Nojima, claims 2 – 6 and 16 – 18 either depend from claim 1 or depend from claims dependent on claim 1. Claims 8, 9, 20 and 21 have dependency from claim 7 and claims having dependency from claim 10 include claims 11 – 15, 23 and 24.

For the reasons set forth above, Marlowe in combination with Antonucci et al. and Nojima does not render claims for the present invention obvious. Therefore, applicants request reconsideration and withdrawal of the rejection of claims 1-18, 20-21 and 23-24 under 35 U.S.C. §103(a).

The Office Action also indicated rejection of Claims 19, 22 and 25 under 35 U.S.C. §103(a). The rejected claims were viewed as being unpatentable over Marlow (WO 98/10602) in view of Antonucci et al. (US 6,819,929 B2) and further in view of Nojima (US 5,933,080) and still further in view of Lichter et al. (US 6,256,489 B1). Claim 19 is a claim having multiple dependency from claims 1 and 16, claim 22 depends from claim 7 and claim 25 depends from claim 10. For reasons presented above, Marlowe in view of Antonucci et al. and further in view of Nojima (US 5,933,080) are ineffective as a basis for rejection of claims 1, 7 and 10 for

obviousness. Lichter et al. only provides support for a speech transmission link directly between the selected central station and the operator of the remote object. The combined references fail to either teach or suggest preferred handling of an emergency. Claims 1, 7 and 10 include such handling of emergencies and are believed to be patentable as amended. Claims 19, 22 and 25 should likewise be patentable.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19, 22 and 25 under 35 U.S.C. §103(a).

The Office Action further indicated rejection of Claims 26 - 27, 29 - 30 and 32 - 33 under 35 U.S.C. §103(a) as being unpatentable over Marlowe (WO 98/10602) in view of Antonucci et al (US 6,819,929 B2) and further in view of Nojima (US 5,933,080) and still further in view of Hattori et al. (US 6,285,931) 35 U.S.C. §103(a). Claims 26 and 27 have dependency from claim 1, claims 29 and 30 depend from claim 7 and claims 32 and 33 depend from claim 10. For reasons presented above, Marlowe in view of Antonucci et al. and further in view of Nojima (US 5,933,080) are ineffective as a basis for rejection of claims 1, 7 and 10 for obviousness. Hattori et al. only provides support for remote diagnosis of the emergency; and the generation of a diagnostic report. The combined references fail to either teach or suggest preferred handling of emergencies prioritized by service type. Claims 1, 7 and 10 include such handling of emergencies and are believed to be patentable as amended. Claims 26, 27, 29, 30, 32 and 33 should likewise be patentable.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 26, 27, 29, 30, 32 and 33 under 35 U.S.C. §103(a).

In rejecting Claims 28, 31 and 34 under 35 U.S.C. §103(a) the Office Action asserted lack of patentability of these claims over Marlowe (WO 98/10602) in view of Antonucci et al (US 6,819,929 B2) and further in view of Nojima (US 5,933,080) and still further in view of Ross (US 5,673,305)

Claims 28, 31 and 34 have dependency from claim 1, claim 7 and claim 10 respectively. For reasons presented above, the reference combination of Marlowe in view of Antonucci et al. and further in view of Nojima (US 5,933,080) is ineffective as a basis for rejection of claims 1, 7

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and 10 for obviousness. Ross only provides support for use of a sensor. The combined references fail to either teach or suggest preferred handling of emergencies prioritized according to service type. Claims 1, 7 and 10 include such handling of emergencies and are believed to be patentable as amended. Claims 28, 31 and 34 should likewise be patentable.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 28, 31 and 34 under 35 U.S.C. §103(a).

Applicants have made an earnest attempt to respond to all the points included in the Office Action and request that the rejection of claims 1 - 34 be reconsidered and withdrawn and that the Examiner indicate the allowance of these claims along with new claim 35 in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0143.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,



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